

The article was alleged to be misbranded in that its name "Juice-O-Veg", appearing on the label, and the following statements contained in an accompanying circular, representing that it consisted of vegetable juice, were false and misleading, since it did not consist solely of vegetable juice, but contained fruit juice in addition: "Why \* \* \* There are twenty-six thousand billion tiny cells that make up our own bodies, nerves, blood, glands, and organs. These microscopic cells need living food in order to reproduce themselves and to do their work within the living body. Fresh vegetables contain all of the 'living food' necessary for your cells. How much fresh, raw vegetables are included in your regular diet? \* \* \* Juice-O-Veg is \* \* \* combined liquor from fresh, raw vegetable juices. When you drink these juices, you get the living mineral salts in a concentrated form. They make up for any deficiency in your diet. \* \* \* 'We find this vegetable juice excellent,' \* \* \* Juice-O-Veg is a twentieth century contribution to the correction of the typical starch-drenched, sugar-loaded, mineral-deficient, unbalanced diet of men, women and children everywhere. Juice-O-Veg the concentrated health liquid, is pressed through a specially developed machine, releasing every vital drop of the tissue-sweetening, acid-neutralizing, nerve-strengthening, appetite-restoring, eye brightening, youth regaining, old age deferring vitamins and minerals."

The article was alleged to be misbranded further in that the following statements contained in an accompanying circular falsely and fraudulently represented that it was capable of producing the curative or therapeutic effects claimed in said statements: "What \* \* \* Juice-O-Veg contains vitamins and mineral building elements, which doctors and scientists call the 'protectors of life.' Laboratory tests show that Juice-O-Veg is rich in the following vitamins and elements: Vitamin A—Raises resistance to infection and helps the eyes. Vitamin B—Nourishes the nerves and tones the digestive system. Vitamin C—Prevents tooth decay, aches in joints, strengthens gums. Calcium—Neutralizes acid, heals wounds, makes strong bones and teeth. Iron—Prevents anemia, and makes red blood. Potassium—Flushes the cells, strengthens the heart. Magnesium—Relaxes and reduces nerve tension. Manganese—Carries oxygen and makes the body flexible. Silicon—Hardens the tooth enamel and aids hair growth. Fluorine—Whitens the eye and aids in bone-knitting. How many of these essential food elements do you get in your diet? Juice-O-Veg daily will give you the necessary 'protectors of life'. \* \* \* \* Aside from the health value of Juice-O-Veg, it is a \* \* \* stimulating drink. \* \* \* Sparkling eyes and cheerful faces. Yes, even men and women of mature years, through the discovery of food science may become radiant with youthful vigor and the rapture of youthfulness and life. Letters such as these come in every day. Adults and children drink Juice-O-Veg because they like it. Get the Juice-O-Veg habit. \* \* \* 'In my mind there is no question of Juice-O-Veg being very rich in blood-cleansing mineral elements. It has proven remarkably effective in practically clearing up a stubborn condition of facial blemishes for me. I am going to use it indefinitely \* \* \* It has helped my reducing schedule wonderfully,' \* \* \* It has given him more pep \* \* \* Juice-O-Veg is a boon to the thousands of people who go through life, day by day, only half-alive. Their bodies are saturated with acids, complexions blemished, eyes dulled, appetites faded, nerves weakened, faces drawn and haggard, all through wrong living and unnatural foods. Juice-O-Veg the concentrated health liquid, is pressed through a specially developed machine, releasing every vital drop of the tissue-sweetening, acid-neutralizing, nerve-strengthening, appetite-restoring, eye brightening, youth regaining, old age deferring vitamins and minerals."

On September 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26802. Alleged adulteration and misbranding of Tablets Phenobarbital. U. S. v. The Zemmer Co. Tried to the court. Judgment of not guilty. (F. & D. no. 30190. Sample no. 9904-A.)**

These tablets were alleged to contain less than the quantity of phenobarbital represented on the label.

On June 15, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Zemmer Co., a corporation, Pittsburgh, Pa., charging shipment by said corporation in violation of the Food and Drugs Act, on or about April 22, 1932, from the State of Pennsylvania into the State of Maryland of a quantity of Tablets Phenobarbital that were alleged to be adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the tablets was represented to contain  $1\frac{1}{2}$  grains of phenobarbital; whereas in fact each of the tablets did contain less than  $1\frac{1}{2}$  grains of phenobarbital, to wit, not more than 1.279 grains.

The article was alleged to be misbranded in that the statement, "Tablets \* \* \* Phenobarbital  $1\frac{1}{2}$  Grain", borne on the bottle label, was false and misleading in that it represented that each of the tablets contained  $1\frac{1}{2}$  grains of phenobarbital; whereas in fact each of the tablets contained less than  $1\frac{1}{2}$  grains of phenobarbital.

On November 25, 1935, after trial of the case to the court, a jury having been waived, judgment of not guilty was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

**26803. Misbranding of Moxon's Liniment. U. S. v. 12, 8, and 5 Packages of Moxon's Liniment. Default decree of condemnation and destruction. (F. & D. no. 38149. Sample no. 6165-C.)**

The labeling of this preparation bore false and fraudulent curative and therapeutic claims. It also was represented on some of the labels that the article could be used with perfect safety; whereas it contained ingredients which might be harmful.

On August 15, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 packages, 30-cent size; 8 packages, 60-cent size, and 5 packages, \$1-size, of Moxon's Liniment at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 27, 1936, by the Moxon Liniment Co., of Mount Clemens, Mich., from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of ammonia (not less than 7 percent), water, alcohol, camphor, and extracts of plant drugs.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Wrapper) "\* \* \* For Rheumatism \* \* \*"; (labels) "For Aches and Pains \* \* \* For Rheumatic, Neuralgic, Spasmodic and Inflammatory Affections of the Muscles or Joints, \* \* \* Lamé Back, Stiff Neck, \* \* \* etc. \* \* \* For Soreness of Cords and Muscles of the Throat, \* \* \* all Inflammatory and Painful Swellings, \* \* \* For Sore \* \* \* Feet, \* \* \* For Dandruff and Strengthening the Hair, \* \* \* will \* \* \* tone up the muscular system generally"; (on some labels) "\* \* \* healing \* \* \*"; (circular) "\* \* \* Rheumatic affections of the Muscles or Joints, Muscular Spasms, \* \* \* General Exhaustion \* \* \* Etc., \* \* \* Backache, Dandruff, Eruptions of the Skin, Stiff Neck, Lameness of Every Kind, and all Inflammatory Swellings. \* \* \* Stiff Neck and Sore Throat Muscles \* \* \* Rheumatic Muscular Soreness \* \* \* for general exhaustion \* \* \* your muscles will never become sore \* \* \* Head Pains \* \* \* Back-Ache \* \* \* Bunions \* \* \* will relieve the soreness immediately, Dandruff \* \* \* Lameness of every kind, \* \* \*." It was alleged to be misbranded further in that the statement "can be used with perfect safety", borne on the label, was false and misleading.

The libel charged that the product was also misbranded under the Federal Caustic Poison Act reported in notice of judgment no. 56 published under that act.

On October 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*